

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 2359 Permit 1086 License 4715

ORDER AMENDING LICENSE

WHEREAS:

1. License 4715 was issued to Anaconda Copper Mining Company and recorded at the office of the Inyo County Recorder on September 30, 1957.
2. License 4715 was subsequently assigned to Project Darwin, Inc.
3. License 4715 confers upon Project Darwin, Inc., an appropriative right to use water from Darwin Wash in Inyo County.
4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
5. The License was issued without referencing compliance with Section 5937.
6. Since amendment of License 4715 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: **JUNE 10 1997**


Walt Pettit
Executive Director

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 2359 Permit 1086 License 4715

**ORDER ADDING CONDITION TO LICENSE 4715 AND AMENDING
CONTINUING AUTHORITY CONDITION**

WHEREAS:

1. License 4715 was issued to Anaconda Copper Mining Company on September 19, 1957 pursuant to Application 2359 and was filed with the County Recorder of Inyo County on September 30, 1957.
2. License 4715 was subsequently assigned to Project Darwin Inc.
3. The licensee, National Park Service, Bureau of Land Management, and California Department of Fish and Game have entered into an agreement dated June 2, 1997. The parties have requested that the agreement be added to License 4715. The agreement is intended to protect the desert riparian environments and will control pumping levels and establish an interim groundwater monitoring program which will include undertaking of hydrological and biological studies to determine the most suitable conditions necessary to protect the springs, streams, and faunal and botanical concerns in this area. The agreement should be added to License 4715 as requested.
4. The license condition pertaining to the SWRCB'S continuing authority should be replaced with the current version.

NOW, THEREFORE, IT IS ORDERED THAT:

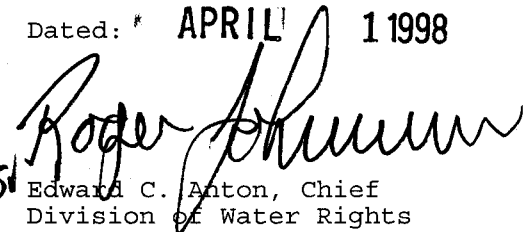
1. This License shall be subject to " AGREEMENT Between PROJECT DARWIN, INC. and THE NATIONAL PARK SERVICES and THE BUREAU OF LAND MANAGEMENT and THE CALIFORNIA DEPARTMENT OF FISH AND GAME Regarding GROUNDWATER WITHDRAWALS FROM DARWIN WASH" , dated June 2, 1997, on file with the State Water Resources Control Board, as to matters which are within jurisdiction of the Board. (0000500)
2. The License condition pertaining to the Boards continuing authority is amended as follows: Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to:

(1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: * APRIL 1 1998


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 2359

PERMIT 1086

LICENSE 4715

ORDER ALLOWING CORRECTION OF DESCRIPTION OF POINT OF DIVERSION
DESCRIPTION OF PLACE OF USE, AND DESCRIPTION OF LOCATION
WHERE RETURN FLOW IS RELEASED

WHEREAS License 4715 was issued to Anaconda Copper Mining Company and was filed with the County Recorder of Inyo County on September 30, 1957.

WHEREAS the correction of description of point of diversion under said license for which petitions were submitted on May 3, 1971, does not involve any physical change in works already constructed or in the original intent of the applicant concerning location of proposed works, and the correction will not operate to the injury of any legal user of water;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to correct the description of point of diversion under said License 4715 to read as follows, to wit:

NORTH FORTY-SIX DEGREES, FIFTY-TWO MINUTES, TWENTY-THREE SECONDS EAST 3,878.04 FEET FROM SOUTHWEST CORNER OF SECTION 16, T19S, R41E, MDB&M, BEING WITHIN SW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 16.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to correct the description of place of use under said License 4715 to read as follows, to wit:

WITHIN SECTION 13, T19S, R40E, MDB&M AS SHOWN ON MAP FILED WITH THE STATE WATER RESOURCES CONTROL BOARD

IT IS FURTHER ORDERED that permission be and the same is hereby granted to correct the description of location where return flow is released under said License 4715 to read as follows, to wit:

WATER IS RELEASED INTO LUCKY JIM WASH TRIBUTARY TO DARWIN WASH WITHIN SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 24, T19S, R40E, MDB&M

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

WRCB
133 (12-67) Dated: FEB 24 1972



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 2359

PERMIT 1086

LICENSE 4715

THIS IS TO CERTIFY, That

Anaconda Copper Mining Co.
Darwin
California

Notice of Assignment (Over)

has made proof as of April 20, 1956
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Darwin Wash in Inyo County
tributary to Panamint Sink

for the purpose of mining, milling and domestic uses
under Permit 1086 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from May 26, 1921;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed thirty-two hundredths
(0.32) cubic foot per second to be diverted from January 1 to December 31 of
each year.

The point of diversion of such water is located North eighty-three degrees thirty-five minutes east (N 83° 35' E) twenty-one thousand (21,000) feet from SW corner of Section 14, T19S, R40E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 17, T19S, R41E, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

Mining use within Sections 13, 14 and 15, T19S, R40E, MDB&M and milling and domestic uses within Section 23, T19S, R40E, MDB&M as shown on map filed with State Water Rights Board.

Water is released into a dry wash tributary to Darwin Wash within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23, T19S, R40E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: SEP 19 1957

STATE WATER RIGHTS BOARD

By *Leslie C. Jopson*
LESLIE C. JOPSON
Chief Engineer



10-7-69 Name changed to Anaconda Company
3-1-85 Asgd to Quintana Minerals Corporation

5-10-89 asgd to Blue Range Mining Company, L.P.

4/21/97 assigned to Project Downer, Inc.

LICENSE 4715

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Anaconda Copper
Mining Company

DATED SEP 19 1957